

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Edward John Hosch,,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No.: 4:09-cv-1490-TLW-TER
)	
United Bank, Inc.; R. Leon Cooper;)	
Douglas B. Ernest; Wade Stephen Melcher;)	
Donald Ward; James R. Quesenberry, Sr.;)	
James R. Quesenberry, Jr.; Triple Q.)	
Construction, Inc.; John and Jane Does)	
1-10; John Doe Corporations 1-10; and)	
other John Doe Entities 1-10;)	
)	
Defendants.)	
)	

ORDER

The plaintiff Edward John Hosch, originally proceeding *pro se*, filed this civil action on June 8, 2009. (Doc. #1). The plaintiff subsequently obtained counsel. On October 26, 2009, the plaintiff filed a notice of voluntary dismissal as to defendants Donald Ward, James R. Quesenberry, Jr., and Triple Q. Construction. (Doc. #22).

On October 26, 2009, defendant R. Leon Cooper filed a motion to dismiss for lack of jurisdiction. (Doc. #21). On October 29, 2010, defendant Douglas B. Ernest filed a motion to dismiss for lack of jurisdiction. (Doc. #26). On November 9, 2009, defendant United Bank, Inc. filed a motion to dismiss for failure to state a claim. (Doc. #36). On November 12, 2009, defendant James R. Quesenberry, Sr. filed a motion to dismiss for lack of jurisdiction and failure to state a claim. (Doc. #40). The plaintiff filed no response to any of these four motions to dismiss.

On March 17, 2010, the plaintiff filed a motion for leave to file an amended complaint as well as a proposed amended complaint. (Doc. #57). Defendants R. Leon Cooper, Douglas B. Ernest, James R. Quesenberry, Sr., and Wade Stephen Melcher each filed separate responses to the motion to amend. (Docs. #59, #60, #62, #65). The plaintiff filed replies to the responses of defendants Cooper, Ernest, and Quesenberry, Sr. (Docs. #61, #63, #66). The case was referred to United States Magistrate Judge Thomas E. Rogers, III pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2)(e), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. #67). On August 3, 2010, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that the plaintiff’s motion for leave to file an amended complaint be denied as to any allegations against defendants Cooper, Ernest, and Quesenberry, Sr., and granted as to any allegations against defendants United Bank and Melcher; that the motions to dismiss for lack of jurisdiction filed by defendants Cooper, Ernest, and Quesenberry, Sr. be granted; and that the motion to dismiss filed by United Bank be deemed moot. (Doc. #67). No party filed objections to the Report. Objections were due on August 20, 2010.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. It is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #67). For the reasons articulated by the Magistrate Judge, the plaintiff's motion to file an amended complaint is **GRANTED** in part and **DENIED** in part. (Doc. #57). More specifically, the motion to file an amended complaint is denied as to any allegations against defendants Cooper, Ernest, and Quesenberry, Sr., and granted as to any allegations against defendants United Bank and Melcher. (Doc. #57). The motions to dismiss for lack of jurisdiction filed by defendants Cooper, Ernest, and Quesenberry, Sr. are **GRANTED**. (Docs. #21, #26, #40). Defendants Cooper, Ernest, and Quesenberry, Sr. are **DISMISSED** from this action for lack of jurisdiction. The motion to dismiss filed by defendant United Bank is dismissed as **MOOT**. (Doc. #36).

The plaintiff is directed to file an Amended Complaint within ten (10) days of the entry of this Order. In addition, the parties are directed to submit a proposed Amended Scheduling Order within ten (10) days of the entry of this Order.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

August 27, 2010
Florence, South Carolina